REMARKS:

Applicant thanks the examining attorney for his continued attention to the application. Applicant appreciates the indication that claims 10-27 are still allowed.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as unpatentable over various combinations of Lane'789, Quinn '290 and Jenks '125. Respectfully, applicant disagrees.

The examiner's characterization of Lane is inaccurate in several respects. First of all, Lane does not relate to a model train sensor and signal. To the contrary, Lane relies on the FSK data transmitted by full size trains to convey information from the head end to the rear of the train and vice versa. The source of these signals is important in Lane. As Lane states:

> "By and large, the reason for this is that often both the emergency vehicle or train, as well as the highway vehicle to be warned, require modification or additional equipment, thereby involving an inconvenience during installation, as well as added expense."

Lane's invention takes advantage of the facilities already present on trains to operate as detector. Lane goes on to say:

> "A further need exists for utilizing present train-transmitting facilities which are of high quality, which are reliable and time-tested type of equipment, where the transmissions thereof are received by remotely-located receivers".

These data transmitters are apparently found on full size trains but Lane says nothing of their presence on model trains and applicant is aware of no

model train that includes a system like this since it would have no utility in a model train set up.

Accordingly, as a first difference, Lane's system would not work on a model train unless a data transmitter of the type described were added to the model train and nothing in the references nor anything known to applicant suggests any benefit for doing this.

In addition to this difference, which would be enough on its own to distinguish Lane, the signals generated by Lane and applicant's signals are used for entirely different purposes and, not surprisingly, are therefore different signals. In applicant's invention, the signals are model train trackside signals meant to simulate the trackside signals used in full size railroads and to do so autonomously. To that end, applicant's invention describes trackside signals generating at least red and green signals and in some embodiments, red, yellow and green signals. As described in claim 1, the green signal is displayed when there is no train present and a red signal is displayed when a train is present. This is not the way Lane's signals work. Lane's green signal indicates that power is applied to the train proximity detector. Lane states:

> "Output port 50 is programmable so that it can be driven to a logic low to illuminate a green LED 52 when DC power is applied to the train proximity detector."

Thus initially, the green signal is illuminated when the device is powered up and has nothing whatsoever to do with the presence of absence of a train. As to the red and green signals, when a train is detected, the red signal is illuminated, but the green signal stays on. In a second mode, when data is detected, the red and green signals are alternately illuminated approximately

five times per second (see col. 7, lines 58-60). This behavior of the red and green signals would be useless in applicant's invention which provides model railroad trackside signals. As set forth in applicant's claims, the red signal is illuminated and the green signal is deactivated when a train is present and a green signal is activated and a red signal is deactivated when a train is not present. This behavior corresponds to the behavior of actual trackside signals. Lane's described illumination scheme in no way corresponds to actual trackside signals and would create a confusing, unrealistic display in applicant's invention.

The examiner acknowledges that Lane does not describe a system used with a model train and relies on Quinn. Quinn relates to an electronic control system and particularly to the remote control of special track sections such as switch turnouts, uncoupler and unloader sections, and highway crossing gates on model railroad layouts. Although Quinn admittedly detects the approach of a train to operate switches, Quinn is silent as to model train trackside signals and the examiner acknowledges as much. Applicant respectfully submits that there is no basis for one skilled in the art to combine Lane and Quinn and that even if the combination were made, applicant's invention would not be the result. Lane and Quinn relate to entirely different systems, full size trains on the one hand and model trains on the other, and are addressed to entirely different purposes, signaling the approach of a train to the operator of a vehicle in Lane's case and operating a model railroad switch in Quinn's case. In addition, applicant has searched in vain through Quinn for a description of a proximity detector. All that is described by Quinn is an occupancy detector about which virtually nothing is said. Even if proximity is detected, it is detected by the turnouts

themselves. Applicant sees no way in which one skilled in the art would combine these teachings with Lane, which never mentions turnouts.

The examiner acknowledges that Lane does not disclose the use of a semaphore as a type of signal. Applicant agrees and furthermore points out that a model train semaphore would be a ridiculous sort of signal to use in Lane's application. Is the examiner proposing that a little tiny semaphore be placed on the dashboard of a vehicle in Lane's system to indicate the proximity of a train? Even though Jenks admittedly shows a toy train semaphore, the examiner has suggested no reason why one skilled in the art would employ Jenks' semaphore and Lane's signaling system. It probably wouldn't even be legal to put a little semaphore on the dashboard where it would obstruct the driver's vision.

As to claim 5, the examiner acknowledges that Lane does not disclose the use of a swinging banjo as a type of signal and relies on Bonanno for teaching such a system. Like the combination of Lane and Jenks, this proposed combination is a bit whimsical. Is the examiner seriously suggesting that the swinging semaphore signal like the one described by Bonanno be placed on the dashboard of the vehicles in which Lane's system is installed? There is nothing in either Lane nor Bonanno that would suggest this and the examiner has not proposed any basis for making the combination or any other art that would suggest making it.

Applicant respectfully submits that the references do not render claims 1-9 obvious and accordingly, reconsideration and favorable action on the application are requested.

Respectfully submitted,

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